

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAY S. COOPER

V.

CITY OF PLANO, ET AL.

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CASE NO. 4:10-CV-689
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 19, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Paul McNulty's Fed. R. Civ. P. 12(b)(6) Motion to Dismiss (Dkt. #100) should be granted.

The Court, having made a *de novo* review of Plaintiff's objections, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** Defendant Paul McNulty's Fed. R. Civ. P. 12(b)(6) Motion to Dismiss (Dkt. #100) is **GRANTED** and Judge Paul McNulty is dismissed with prejudice.

It is SO ORDERED.

SIGNED this 13th day of September, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE